



*Yan* *DAC*

**OBLON**  
**SPIVAK**  
**McCLELLAND**  
**MAIER**  
**&**  
**NEUSTADT**  
P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/990,324

Applicants: Jun HASEGAWA

Filing Date: November 23, 2001

For: CODE SYNCHRONOUS TIMING DETERMINING  
METHOD UPON INFORMATION RECEPTION IN  
CDMA SYSTEM, DETERMINING APPARATUS,  
AND CDMA RECEIVING APPARATUS

Group Art Unit: 2637

Examiner: K. TRAN

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 CFR § 1.181 - INVOKING THE SUPERVISORY AUTHORITY OF THE  
DIRECTOR OF THE USPTO TO RESET THE PERIOD FOR REPLY DUE TO LATE  
RECEIPT OF A PTO ACTION, PTO MAIL LOG REPORT,  
COPY OF OFFICE ACTION DATED 01/25/2005**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.**

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)



DOCKET NO: 216535US2S

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

JUN HASEGAWA : EXAMINER: K. TRAN

SERIAL NO: 09/990,324 :

FILED: NOVEMBER 23, 2001 : GROUP ART UNIT: 2637

FOR: CODE SYNCHRONOUS TIMING  
DETERMINING METHOD UPON  
INFORMATION RECEPTION IN CDMA  
SYSTEM, DETERMINING APPARATUS,  
AND CDMA RECEIVING APPARATUS

PETITION UNDER 37 CFR § 1.181 - INVOKING THE SUPERVISORY  
AUTHORITY OF THE DIRECTOR OF THE USPTO TO RESET THE PERIOD FOR  
REPLY DUE TO LATE RECEIPT OF A PTO ACTION

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the time period for reply to the outstanding Office Action be reset due to the fact that the Office Action mailed by the Patent and Trademark Office on January 24, 2005, was received late by Applicants' Representatives. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm's computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

Application No.: 10/667,301

Inventor: Kiyonori TSUDA

Petition to Withdrawal the Holding of Abandonment

Page 2

The issuance of the Office Action mailed January 24, 2005 was discovered during this firm's routine status check completed using Patent Application Information Retrieval (PAIR) on April 22, 2005. After discovery of the Office Action, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for a response to the Office Action mailed January 24, 2005.

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Office Action mailed January 24, 2005. The computerized PTO Mail Log Report was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the Patent Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from January 25, 2005 through April 14, 2005 and found to contain no record of having received the Office Action for the above-identified application (see attached computer print out listing the Quayle Actions received from January 25, 2005 through April 14, 2005).

It is believed that the above discussion and documents enclosed herewith clearly prove the late receipt of the Office Action mailed January 24, 2005. Therefore, a reset of the period for reply to the Office Action is believed to be in order under M.P.E.P. §710.06, titled "Situations When Reply Period Is Reset or Restarted," which states the following:

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g. at least 1 month of a 2- or 3-month reply period had elapsed); and

Application No.: 10/667,301

Inventor: Kiyonori TSUDA

Petition to Withdrawal the Holding of Abandonment

Page 3

(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

The above discussion and documents enclosed herewith are believed to clearly satisfy the above criteria of M.P.E.P. §710.06, and the Applicants respectfully request that the previously set period for reply to the Office Action mailed January 24, 2005, be reset to run from April 22, 2005, which is the date of receipt of the Office Action at the correspondence address (see attached copy of the Office Action having the date of receipt stamped thereon).

It is believed that no fees are required at this time. However, if any fees are required at this time, please charge the fees to Deposit Account No 15-0030.

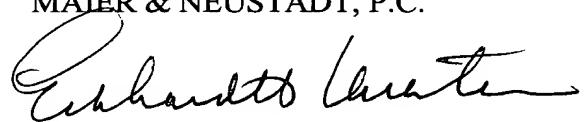
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)



Eckhard H. Kuesters  
Registration No. 28,870  
Attorney of Record

# PTO Mail Log Report

From 01/25/2005 to 04/14/2005

Mail Type	CDER	Application#	Patent#/Reg#	CaseID	Base Date	Date Recd
EP QUAYLE		09/392,254		138682US	01-26-2005	01-28-2005
EP QUAYLE		10/814,266		251248US	01-26-2005	01-31-2005
EP QUAYLE		09/462,480		140333US	02-11-2005	02-14-2005
EP QUAYLE		10/760,453		247776US	02-10-2005	02-14-2005
EP QUAYLE		10/120,514		221050US	02-11-2005	02-15-2005
EP QUAYLE		10/653,093		242317US	02-18-2005	02-22-2005
EP QUAYLE		10/645,543		241538US	02-22-2005	02-23-2005
EP QUAYLE		10/169,110		224807US	02-23-2005	02-24-2005
EP QUAYLE		10/664,868		243041US	03-04-2005	03-07-2005
EP QUAYLE		09/900,876		210847US	03-07-2005	03-08-2005
EP QUAYLE		10/381,435		235375US	03-07-2005	03-08-2005
EP QUAYLE		09/493,013		110908US	03-08-2005	03-09-2005
EP QUAYLE		09/737,742		198443US	03-08-2005	03-09-2005
EP QUAYLE		10/617,392		240110US	03-09-2005	03-10-2005
EP QUAYLE		09/673,373		236100US	03-11-2005	03-14-2005
EP QUAYLE		10/441,106		237897US	03-15-2005	03-16-2005
EP QUAYLE		10/988,540		261462US	03-15-2005	03-16-2005
EP QUAYLE		09/911,387		211818US	03-22-2005	03-23-2005
EP QUAYLE		10/333,887		266671US	02-24-2005	03-28-2005
EP QUAYLE		10/826,348		252012US	03-25-2005	03-28-2005
EP QUAYLE		10/208,846		226384US	03-28-2005	03-30-2005
EP QUAYLE		10/225,356		227035US	03-28-2005	03-30-2005
EP QUAYLE		09/589,170		192919US	03-28-2005	03-31-2005
EP QUAYLE		10/028,357		217776US	04-01-2005	04-04-2005
EP QUAYLE		10/448,029		238378US	04-06-2005	04-07-2005
EP QUAYLE		29/168,222		228943US	04-06-2005	04-07-2005
EP QUAYLE		10/322,664		220980US	04-07-2005	04-11-2005
EP QUAYLE		10/938,514		257628US	04-07-2005	04-11-2005





O P E  
APR 21 2005  
JCT 52  
UNITED STATES PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

W

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,324	11/23/2001	Jun Hasegawa	216535US2S	2640
22850	7590	01/24/2005	EXAMINER	
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, KHAI	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: *104 PAIR patent 422-05*  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.  
DOCKETING DEPT.  
Initials/Date Docketed: *LS (04/22-05*  
Type of Resp(s): *Ex parte Appeal*  
Due Date(s): *4/24/05 (est)*



Office Action Summary	Application No.	Applicant(s)
	09/990,324	HASEGAWA, JUN
	Examiner Khai Tran	Art Unit 2637

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 November 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-6, 8-22, 24-28 and 30-32 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 7, 23 and 29 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/23/01; 9/15/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date, \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claims 7, 23, 29 are objected to because of the following informalities:

Appropriate correction is required.

Regarding claim 7, line 3, the term "the specified threshold value" should be changed to --a specified threshold value--, otherwise, in line 2, the term "claim 2" should be changed to --claim 6--.

Regarding claim 23, lines 2-3, the term "the specified threshold value" should be changed to --a specified threshold value--, otherwise, in line 2, the term "claim 18" should be changed to --claim 22--.

Regarding claim 29, lines 2-3, the term "the specified threshold value" should be changed to --a specified threshold value--, otherwise, in line 2, the term "claim 19" should be changed to --claim 28--.

***Allowable Subject Matter***

2. Claims 1-6, 8-22, 24-28, 30-32 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of the record discloses or suggests a code synchronous determining method and apparatus, comprising: scanning the stored correlation values in a given direction to detect at least one minimal correlation valued to register a retrieved minimal timing corresponding to the detection minimal correlation value; extracting at least one correlation value selected from the correlation values stored at

plural timings having a specified time interval from the maximal timing to the minimal timing as a high correlation value candidate as recited in claims 1-17; steps of comparing each correlation value stored in the forward and back directions from the maximal timing with a predetermined value; registering a timing when the associated correlation value is detected to be less than a minimum correlation valued as the minimal timing; extracting at least one high correction value from the correlation values obtained in the every specified time interval from maximal timing till the minimal timing; and registering a timing data corresponding to the extracted high correlation value as candidate timing data for code synchronism as recited in claim 15; a code synchronous determining device configured to determine plural code synchronous timing candidates by reading the correlation values stored in the storage device, the code synchronous timing determining device including a time width designating unit configured to designate a limit number of correlation values data of the correlation values stored in the storage device, and candidate extracting unit configured to extract high correlation values as code synchronous timing candidates from the limit number of correlation values designated by the time width designating unit as recited in claim 31; and the scanning element including: a holding circuit having a number of data holding stages configured to hold timing information at the plural timings in a time sequence order acquired in relation to the correlation values, the number of the data holding stages being defined to correspond to a limit number of correlation valued data of the correlation values stored in the storage circuit; registering circuit configured to retrieve a timing corresponding to a correlation value having at least one maximal value from the

information at the plural timings held in the holding circuit; to register the timings as minimal timing; and candidate extracting unit configured to extract high correlation values as code synchronous timing candidate from the limit number of correlation values held in the holding circuit as recited claim 32.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shou et al (U.S. Pat. 5,974,038) disclose a receiver for CDMA communication system.

Sato (U.S. Pat. 6,188,679) discloses a CDMA chip synchronization circuit.

Zhou et al (U.S. Pat. 6,252,899) disclose a complex despreading system.

5. This application is in condition for allowance except for the following formal matters as indicated above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (571) 272-3019. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Khai Tran**  
**Patent Examiner**

**21 January, 2005**